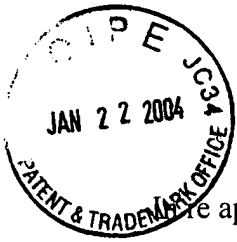


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Re application of

: **Confirmation No. 7242**

Minoru FUJIMORI et al.

: Docket No. 2001_0206A

Serial No. 09/816,391

: Group Art Unit 1635

Filed March 26, 2001

: Examiner Brian A. Whiteman

ANAEROBIC BACTERIUM AS A DRUG FOR
CANCER GENE THERAPY

PARTIAL RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is responsive in part to the Official Action dated August 22, 2003, the time for responding thereto being extended for two months in accordance with a petition for extension submitted concurrently herewith.

The Examiner maintained the 102 rejection as being anticipated by Yazawa et al. for the reasons set forth on pages 13-14 of the Action.

The Examiner suggested submitting a Declaration that the seven inventors reduced the invention to practice before the five inventors listed on the Yazawa publication.

There is submitted herewith a Declaration executed by the seven inventors as suggested by the Examiner.

Accordingly, it is respectfully submitted that the 102 rejection has now been overcome.

In addition, it is noted that an Information Disclosure Statement has been concurrently submitted. Regarding cited U.S. 2002/0182229, please see claim 16. Regarding cited U.S. 2003/0103952, please see claim 14.

A further response will be filed before the statutory deadline which will complete the Applicants response to the Official Action.

Respectfully submitted,

Minoru FUJIMORI et al.

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January 22, 2004